

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                          |   |            |
|--------------------------|---|------------|
| CINDY AVILA, et al.,     | ) |            |
|                          | ) |            |
| Plaintiffs,              | ) | 4:04CV3384 |
|                          | ) |            |
| v.                       | ) |            |
|                          | ) |            |
| CNH AMERICA LLC, et al., | ) | ORDER      |
|                          | ) |            |
| Defendants.              | ) |            |
|                          | ) |            |
| JOAN SCHWAN, et al.,     | ) |            |
|                          | ) |            |
| Plaintiffs,              | ) | 4:07CV3170 |
|                          | ) |            |
| v.                       | ) | ORDER      |
|                          | ) |            |
| CARGILL, INCORPORATED,   | ) |            |
|                          | ) |            |
| Defendant.               | ) |            |

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Defendant Cargill has moved for a protective order, relieving it of the obligation to respond to plaintiffs' pending discovery requests. While it is true that plaintiffs may have been dilatory in not propounding discovery requests before now, that fact does not constitute good cause for a protective order. It is rare that the filing of a summary judgment motion would stop the discovery process. I shall, however, extend the time permitted for Cargill's responses and the Rule 30(b)(6) deposition.

IT THEREFORE HEREBY IS ORDERED:

1. Cargill's motion for leave to file reply brief, [filing no. 355](#) in 4:04cv3384 and [filing no. 81](#) in 4:07cv3170, is granted. The brief has been considered.

2. Cargill's motion for protective order, [filing no. 345](#) in 4:04cv3384 and [filing no. 76](#) in 4:07cv3170, is denied.

3. Cargill is given thirty days from this date to serve its responses or objections to the pending requests for production.

4. The plaintiffs' Rule 30(b)(6) deposition may be re-noticed to commence at a time not less than thirty days from this date.

5. Each party shall bear its own expenses in respect to this discovery matter.

6. Counsel's request for oral argument on this matter is denied. The telephone conference that was set for November 21, 2008 is cancelled.

DATED October 17, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge